

December 2, 2016

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**

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**REPORT AND DECISION**

SUBJECT: King County For-Hire Licensing file no. **18989**

**RAYMOND RIDLEY**  
For-Hire Driver Enforcement Appeal

License no.: 18989

Appellant: **Raymond Ridley**  
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Telephone: (425) 496-3891  
Email: [raymond.ridley@yahoo.com](mailto:raymond.ridley@yahoo.com)

King County: King County For-Hire Licensing  
*represented by* **Eddie Cantu**  
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**SUMMARY OF RECOMMENDATIONS/DECISION:**

Department's Preliminary Recommendation:  
Department's Final Recommendation:  
Examiner's Decision:

Deny application  
Deny application  
Deny application

**EXAMINER PROCEEDINGS:**

Hearing Opened:  
Hearing Closed:

November 17, 2016  
November 17, 2016

## FINDINGS AND CONCLUSIONS:

1. On May 23, 2016, Raymond Ridley was involved in a violent encounter with his wife. On July 12, he plead guilty to assault in the third degree—domestic violence, with the aggravating factor that said offense occurred within sight and sound of the victim’s and offender’s minor child. Ex. 6 at 013. Specifically, Mr. Ridley stated in his plea that  

On May 23, 2016[,] in King County, WA, with criminal negligence, I cause bodily harm to my wife [ ]. This harm was accompanied by substantial pain that lasted long enough to cause considerable suffering to her. I committed this assault in front of our child, who is under 18 years-old.
2. Assault in the third degree is a class C felony, punishable by imprisonment of up to five years. RCW 9A.36.031(2); RCW 9A.20.020(1)(c). Mr. Ridley was sentenced to three months jail, with credit for 65 days of time served. Ex. 7 at 004.
3. In August 2016, Mr. Ridley applied to King County’s Records and Licensing Services (RALS) to renew the dual County/Seattle for-hire driver’s license he acquired in March 2015. Ex. 2; Ex. 3 at 001. In September 2016, RALS denied his application, citing, among other bases, KCC 6.64.600(B)(1), which states that the director “may deny” a for-hire driver license application where that applicant has “had, within five years of the date of application, a criminal conviction ... involving a crime pertaining to ... physical violence....” Ex. 8.<sup>1</sup>
4. As we have detailed in previous decisions, although RALS reviews (and decides on) applications for a dual County/Seattle license, when RALS denies a dual license the current system requires a licensee to file two separate appeals—a Seattle one and a County one. Seattle must make a parallel decision on the Seattle portion of the dual license. Seattle held its hearing on November 10; if Seattle has issued its decision, we have not seen it. We have jurisdiction to decide only the denial of the County portion of the dual license. Our review is *de novo*, meaning we do not accord deference to RALS’ decision. And RALS carries the burden of proof. KCC 20.22.210(B).
5. At hearing, in support of its license denial RALS pointed to the facts alleged in the police report, and to the fact that Mr. Ridley was originally charged with *second* degree assault. Ex. 3. Conversely, Mr. Ridley asserted that much of what his wife told the responding officers was lies, perhaps based on her conditions necessitating ongoing mental health treatment. He provided a starkly different version of events of May 23. He stated that he only pled guilty because his lawyer advised him to plead guilty and that a white jury in Bellevue would have found him (an African-American) guilty whether the allegations were true or not, and that he would only be sentenced to time served if he pled.

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<sup>1</sup> In addition to (B)(1), RALS also cited (B)(4) as a basis for the denial of the County portion of the dual Seattle/County license. Subsection (B)(4) allows discretionary denials for a generic “felony conviction.” Under the established canon of statutory construction that the specific trumps the general, *State v. Flores*, 194 Wn. App. 29, 36, 374 P.3d 222, 226 (2016), for a crime of physical violence specifically called out in (B)(1), that section, and not the more catch-all (B)(4), controls.

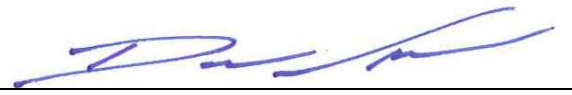
6. Our role is not to Monday morning quarterback what “should” have happened in a prior proceeding. That Mr. Ridley was initially charged with *second* degree assault is interesting background, but the “criminal conviction ... involving a crime pertaining to ... physical violence” Mr. Ridley was convicted of was in the *third* degree. KCC 6.64.600(B)(1). And the police’s narrative account may be entitled to some weight, but at its core it is an allegation, as opposed to the established facts of a court’s judgment.
7. The reverse is also true: our hearing is not an opportunity for Mr. Ridley to challenge the veracity of his conviction, his wife’s competency as a witness, and/or whether he should have accepted the plea deal. We are not unsympathetic to his arguments about systemic racial bias in our justice system. But we are in no position to play criminal court and re-try the underlying charge. We cannot second-guess what a prosecutor, defendant, or court should have done. Instead, our role is to apply the facts to KCC 6.64.600. And those bedrock facts are those detailed in the first paragraph, what Mr. Ridley actually pled guilty to. This does not mean that appellants in licensing disputes may not offer an explanation for or context surrounding crimes. But they may not essentially dispute that they committed the crime where a prior decision says otherwise.
8. Unlike the class of convictions under subsection (A)(3) that lead to *mandatory* denials (“shall deny”), Mr. Ridley’s conviction for a crime pertaining to physical violence involves a *discretionary* denial under subsection (B)(1) (“may deny”). So we still need to weigh whether Mr. Ridley’s conviction should disqualify him from a for-hire driver’s license.
9. That Mr. Ridley, with criminal negligence, caused bodily harm to his wife, harm accompanied by substantial pain lasting long enough to cause her considerable suffering, all within sight of their child, is extremely troubling. That this assault in the third degree—domestic violence, with the aggravating factor that the domestic violence occurred within sight or sound of the couple’s minor child occurred earlier this year (and not several years in the past) exacerbates its impact. And Mr. Ridley did not do himself any favors by blaming his wife for much of the predicament he is in, minimizing her pain, and showing minimal empathy.
10. On the other hand, when we probed his post-conviction experience, we were impressed with how well Mr. Ridley had captured and internalized the lessons and skills from his 16-week “Thinking for Change” course. We would be hard-pressed to recall (and with so much detail and specificity be able to explain) the lessons and skills we learned in any course we have taken. If he is able to consistently apply those tools to modify his behavior, there is reason to hope that Mr. Ridley’s future will not replicate his past. Similarly, it is important that Mr. Ridley has finally found a career (transportation) he enjoys. And RALS has pointed to no infractions or complaints on Mr. Ridley’s driving record.
11. Balancing it all, we agree with RALS that the County should not be putting someone who has so recently been convicted of that significant a crime of violence, who has so recently exhibited behavior that lacking in sound judgment and self-control, behind the wheel ferrying passengers (especially vulnerable passengers) around. We deny Mr. Ridley’s appeal. However, we offer two further thoughts.

12. First, a conviction, within five years of the date of application, for a crime like driving under the influence of alcohol results in mandatory denial; thus one could not reapply for a license until five years and one day after such a conviction. KCC 6.64.600(A)(3). Mr. Ridley's conviction, in contrast, qualifies for denial under subsection (B)(1), which, as explained above, is discretionary. This also means the five-year window under (B)(1) is not mandatory. So Mr. Ridley need not necessarily wait until July 13, 2021, to reapply. While 5 months was insufficient, how many years of a "clean" record is enough? There is no magic formula. We agree with RALS' answer in response to our hearing probing: if Mr. Ridley stays on his current path, whatever time has passed between his conviction and his re-application would be in his favor, and his completing the course-work also weighs in his favor. We would add that if he can later show how he has successfully put into practice for several years such skills in responding to high-stress situations non-violently, that would also play decidedly in his favor.
13. Second, as described above, RALS's denial covered both Mr. Ridley's County and Seattle license, and Mr. Ridley is currently appealing the denial of the Seattle portion of his license to Seattle's Administrative Hearing Officer (AHO). If the AHO issues a decision in the near future, and if the AHO rules contrary to us, Mr. Ridley is free to file with us, before December 30, 2016, a motion to have us re-consider today's decision in light of anything the AHO determines.

**DECISION:**

1. Mr. Ridley's appeal is DENIED.

ORDERED December 2, 2016.



David Spohr  
Hearing Examiner

**NOTICE OF RIGHT TO APPEAL**

King County Code 20.22.040 directs the Examiner to make the County's final decision for this type of case. This decision shall be final and conclusive unless appealed to superior court by *January 3, 2017*. Either party may appeal this decision by applying for a writ of review in superior court in accordance with chapter 7.16 RCW.

MINUTES OF THE NOVEMBER 17, 2016, HEARING ON THE APPEAL OF RAYMOND RIDLEY, KING COUNTY DEPARTMENT OF RECORDS AND LICENSING FOR-HIRE LICENSING FILE NO. 18989.

David Spohr was the Hearing Examiner in this matter. Participating in the hearing were Eddie Cantu and Raymond Ridley.

The following exhibits were offered and entered into the record:

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|---------------|---|
| Exhibit no. 1 | Department staff report to the Hearing Examiner   |
| Exhibit no. 2 | Taxi and For-hire License Application for Raymond Ridley, dated August 5, 2016  |
| Exhibit no. 3 | Bellevue Police Department case report no. 2016-00027551, reported May 23, 2016   |
| Exhibit no. 4 | King County Superior Court case no. 16-1-03076-5 Information pleading and Case summary and request for bail and/or conditions of release, signed May 26, 2016; and Certification for determination of probable cause, signed May 23, 2016 |
| Exhibit no. 5 | King County Superior Court case no. 16-1-03076-5 Amended information pleading, filed July 12, 2016  |
| Exhibit no. 6 | King County Superior Court case no. 16-1-03076-5 Statement of defendant on plea of guilty to felony non-sex offense, filed July 12, 2016  |
| Exhibit no. 7 | King County Superior Court case no. 16-1-03076-5 Judgment and sentence felony, signed July 29, 2016   |
| Exhibit no. 8 | Notice and order of denial, dated September 27, 2016  |
| Exhibit no. 9 | Statement of appeal, received October 4, 2016   |

DS/ed

December 2, 2016

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**CERTIFICATE OF SERVICE**

SUBJECT: King County For-Hire Licensing file no. **18989**

**RAYMOND RIDLEY**  
For-Hire Driver Enforcement Appeal

I, Elizabeth Dang, certify under penalty of perjury under the laws of the State of Washington that I transmitted the **REPORT AND DECISION** to those listed on the attached page as follows:

- ☒ EMAILED to all County staff listed as parties/interested persons and parties with e-mail addresses on record.
- ☒ caused to be placed with the United States Postal Service, with sufficient postage, as FIRST CLASS MAIL in an envelope addressed to the non-County employee parties/interested persons to addresses on record.

DATED December 2, 2016.



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Elizabeth Dang  
Legislative Secretary

*All Parties of Record*

**(Manager), Stormy**  
Eastside for Hire

mailed paper copy

**Cantu, Eddie**  
King County For-Hire Licensing

**Cockbain, Sean**  
King County For-Hire Licensing

**Compton, Barett**  
Congregations for the Homeless

mailed paper copy

**Litzau, Ronda**  
King County For-Hire Licensing

**Ridley, Raymond**

mailed paper copy

**Thomas, Marcia**  
King County For-Hire Licensing